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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,895	08/02/2001	Peter A. Goode	22.1410	9846

7590 10/22/2003

SCHLUMBERGER RESERVOIR COMPLETIONS
14910 AIRLINE ROAD
P.O. BOX 1590
ROSHARON, TX 77583-1590

EXAMINER

BEACH, THOMAS A

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,895

Applicant(s)

GOODE ET AL.

Examiner

Thomas A Beach

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-12 is/are allowed.
- 6) ☒ Claim(s) 1-8, 13-21 and 23 is/are rejected.
- 7) ☒ Claim(s) 22 and 24 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The finality of the rejection of the last Office action is withdrawn in view of the rejection below.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the carousel "within the well" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 sets forth the carousel of tools sealed "within the well" in which the specification and drawings only show the carousel 40 atop the well and connected to the BOP, figure 2; therefore, the

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claim is indefinite since "within the well" has not been properly disclosed. Claims 2-8 are rejected since they include all limitations of the independent claim.

Claim Rejections - 35 USC § 102

5. Claims 1-8, 13-17, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Aronstam et al 6,443,228. Aronstam shows a system having a well (figure 2), and a carousel 83 (col. 7, lines 38-40) of tools/sensors where one of the tools 85 selectively deploys tools/sensors/robot 63 (claim 20) to perform an intervention in the well in which the tool may be one to measure an environmental property of the well (col. 2, lines 41-47; claim 2) such as composition (claim 3), temperature (claim 4) or pressure (claim 5) and take corrective action in the well (claim 6) at predetermined depths (63a-b; figure 2). Aronstam further shows that tool 85 is adaptive to plug 63 (figure 2; claim 7) or take a measurement (claim 8) and deploy tools at a certain height.

Aronstam shows, in figure 1, injecting sensors 63 into the fluid of a well and retrieving data 64 (claim 13) from the sensors 63 and collecting the sensors 63 into equipment 64 to retrieve data (figure 3; claim 14-15) where the devices are injecting through a chemical injection port of 62 (claim 16).

Aronstam shows a sensor 63 considered to be a robot (as defined as a mechanical device for performing a task, i.e. measuring pressure or temperature within the well (claim 18).

6. Claims 18-21 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Barrett et al 6,405,798. Barrett shows a system having a well and

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a robot 11 sealed within the well to perform an intervention. Barrett shows the robot tethered (col. 4, lines 56-65; claim 19) to control electronics 113 (figure 6; claim 20) and electronics are located within the well, located on the robot itself which is within the well (claim 21) and capable of releasing a parachute, a buoyant member if lodged (col. 5, lines 10-12; claim 23).

Allowable Subject Matter

7. Claims 10-12 are allowed.
8. Claims 22 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments with respect to claims 1-8 and 10-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A Beach whose telephone number is 703.305.4848. The examiner can normally be reached on Monday-Thursday, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 703.308.3870. The fax

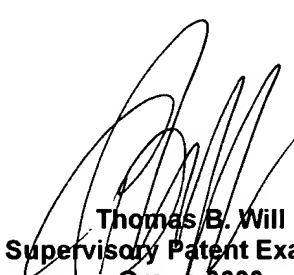
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phone numbers for the organization where this application or proceeding is assigned are 703.872.9306 for regular communications and 703.872.9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.4198.

Thomas A. Beach

October 16, 2003



Thomas B. Will
Supervisory Patent Examiner
Group 3600